IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 17726 of 2004

Between:

Venkateswara Granites, Rep. by its Proprietor Pamedi Venkata Rao
S/o. Ramachandraiah, Age about 55 Years, Khammampadu Village,
Chimakurthi Mandal, Prakasam District.

..... PETITIONER

AND

1 The Director of Mines & Geology, B.R.K.R. Bhavan, Near Tank Bund, Hyderabad.
2 The Assistant Director of Minies & Geology, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Chimakruthy Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, (a) declaring the in action of the 3rd respondent in not taking any decision on the applications and also the representations submitted by the petitioner since 1997 including the representations dated 05-02-2004 and 16-07-2004 for grant of NOC for the purpose of grating Mining Lease over an extent of Ac. 7.50 cents in Sy.No. 65/1A of R.L Puram Village, Chimakurthy Mandal, Prakasam District as illegal, arbitrary, unconstitutional and unreasonable and consequently direct the 3rd respondent to dispose of the application and representations submitted by the petitioners and grant the NOC infavour of the Petitioner with regard to the land of an Ac.7.50 cents in 65/1 of R.L. Puram, Chimakurthik Mandal, Prakasam District immediately. (b) To direct the respondents 1 and 2 not to reject the application submitted by the petitioner on 12-12-1997 for grant of quarry lease over an extent of Ac.7.50 cents in Sy.No. 65/1A, R.L. Puram Village, Chimakurthy Mandal, Prakasam

District till the 3rd respondent taking a decision on the applications submitted by the petitioner for grant of NOC and further direct the respondents 1 and 2 that on the grant of NOC by the 3rd respondent to consider the application dated 12-12-1997 submitted by the petitioner for grant of mining lease.

Counsel for the Petitioner: MR.T.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR MINES AND GEOLOGY

The Court at the admission stage made the following:

ORDER:

Petitioner seeks a declaration that the alleged inaction on the part of the third respondent-Mandal Revenue Officer, Chimakurthy Mandal, Prakasam District in considering the application of the petitioner for grant of NOC for the purpose of granting mining lease over an extent of Ac.7.50 cents in Survey No.65/1A of R.L.Puram Village, Chimakurthy Mandal, Prakasam District, as arbitrary and illegal.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology appearing for the respondents and on a perusal of the material on record, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to consider the representations of the petitioner dated 05.02.2004 and 16.07.2004 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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01.11.2004

VGB

To

1 The Director of Mines & Geology, B.R.K.R. Bhavan, Near Tank Bund, Hyderabad.
2 The Assistant Director of Minies & Geology, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Chimakruthy Mandal, Prakasam District.

4 2CCs to the Government Pleader for Mines and Geology, High Court

Buildings, Hyderabad (OUT)

5 2CD copies